

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	8:10-cr-00275-LSC-TDT
vs.)	
)	ORDER
BRANDON DORSEY,)	
)	
Defendant.)	

This matter is before the court on the defendant's unopposed motion to continue trial (#24). The record shows that the Federal Public Defender withdrew from representation on November 2, 2010, after the case had already been set for trial. Substitute counsel was appointed, entered an appearance on November 3, 2010, and was immediately electronically served¹ with the court's September 17, 2010 order (Doc. 19) setting the November 16, 2010 trial date. Substitute counsel needs more time to prepare the case for trial. Defendant's proposed trial date of January 10, 2011 is not available; however, the court's calendar can accommodate an extension to December 14, 2010,

IT IS ORDERED that the motion to continue trial (#24) is granted in part, as follows:

1. The jury trial now set for November 16, 2010 is further continued to **December 14, 2010**.

2. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **November 16, 2010 and December 14, 2010**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED November 9, 2010.

BY THE COURT:

s/ F.A. Gossett, III
United States Magistrate Judge

¹The Notice of Electronic Filing was regenerated on the morning of November 3, 2010 to provide substitute counsel notice of the trial date.